

10/593181

Docket No.: 13987-00022-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Helke Hillebrand et al.

Application No.: National Phase of  
PCT/EP2005/002734

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: IMPROVED CONSTRUCTS FOR MARKER  
EXCISION BASED ON DUAL-FUNCTION  
SELECTION MARKER

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Of the documents listed on the attached SB/08 are the documents cited in an International Search Report during the prosecution of international application no. PCT/EP2005/002734, which corresponds to the above referenced application. In accordance with 37 CFR 1.97(b)(2), Applicants hereby submit these documents for the Examiner's consideration. A copy of each document required under 37 CFR 1.98(a)(2) is enclosed.

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In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

Applicants believe no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13987-00022-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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PTO/SB/08a/b (07-06)

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				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	6	Attorney Docket Number	13987-00022-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA*	US-5,358,866	10-25-1994	Mullen et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	EP-0 595 837-B1	05-11-1994	Richardson Vicks Inc.		See WO92/22280
	BB	WO-92/22280-A1	12-23-1992	Richardson Vicks Inc.		
	BC	WO-93/01281-A1	01-21-1993	The United States of America represented by Department of Health & Human Services		
	BD	WO-97/37012-A1	10-09-1997	Commonwealth Scientific and Industrial Research Organisation et al.		
	BE	WO-02/10415-A2	02-07-2002	University of Connecticut		
	BF	WO-02/29071-A2	04-11-2002	Maxygen Inc.		
	BG	WO-03/004659-A3	01-16-2003	SunGene GmbH et al.		See CA 2 451 492
	BH	CA-2 451 492-A1	01-16-2003	SunGene GmbH et al.		
	BI	WO-03/060133-A2	07-24-2003	Swetree Technologies AB		
	BJ	WO-2004/013333-A3	02-12-2004	BASF Plant Science GmbH		See CA 2 493 364
	BK	CA-2 493 364-A1	02-12-2004	BASF Plant Science GmbH		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	"Putative D-amino acid oxidase", Database UniProt Accession No. Q9X7P6, November 1, 1999.	
	CB	"D-amino-acid oxidase (EC 1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. P80324, OXDA_RHOTO, November 1, 1995.	
	CC	"D-amino-acid oxidase (EC1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. Q99042, OXDA_TRIVR, November 1, 1997.	
	CD	"D-amino-acid oxidase (EC1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. P24552, OXDA_FUSSO, March 1, 1992.	

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	CE	"SPCC1450.07c protein (EC 1.4.3.3)", Database UniProt Accession No. Q9Y7N4, November 1, 1999.	
	CF	"D-amino acid oxidase (EC 1.4.3.3)", Database UniProt Accession No. Q9HGY3, March 1, 2001.	
	CG	"Putative D-amino-acid oxidase (EC1.4.3.3)(DAMOX)(DAO)(DAAO)", Database UniProt Accession No. Q19564, OXDA CAEEL, November 1, 1997.	
	CH	"Rhodosporidium toruloides D-amino acid oxidase mRNA, complete cds.", GenBank Accession No. U60066, October 16, 2001.	
	CI	Zubko, E. et al., "Intrachromosomal Recombination between attP Regions as a Tool to Remove Selectable Marker Genes from Tobacco Transgenes", Nature Biotechnology 18 (2000), pp. 442-445.	
	CJ	Erikson, O. et al., "A Conditional Marker Gene Allowing Both Positive and Negative Selection in Plants", Nature Biotechnology (2004) 22(4), pp. 455-458.	
	CK	Depicker, A. G. et al., "A Negative Selection Scheme for Tobacco Protoplast-derived Cells Expressing the T-DNA gene 2", Plant Cell Reports 7 (1988), pp. 63-66.	
	CL	Stougaard, J., "Substrate-dependent Negative Selection in Plants Using a Bacterial Cytosine Deaminase Gene", The Plant Journal (1993) 3(5), pp. 755-761.	
	CM	Karlin-Neumann, G. A. et al., "Phytochrome Control of the <i>tms2</i> Gene in Transgenic <i>Arabidopsis</i> : A Strategy for Selecting Mutants in the Signal Transduction Pathway", The Plant Cell 3 (1991), pp. 573-582.	
	CN	Negri, A. et al., "The Primary Structure of the Flavoprotein D-Aspartate Oxidase from Beef Kidney", The Journal of Biological Chemistry (1992) 267(17), pp. 11865-11871.	
	CO	Onouchi, H. et al., "Visualization of Site-Specific Recombination Catalyzed by a Recombinase from <i>Zygosaccharomyces rouxii</i> in <i>Arabidopsis thaliana</i> ", Mol. Gen. Genet. 247 (1995), pp. 653-660.	
	CP	Sugita, K. et al., "A Transformation Vector for the Production of Marker-Free Transgenic Plants Containing a Single Copy Transgene at High Frequency", The Plant Journal (2000) 22(5), pp. 461-469.	
	CQ	Osborne, B. I. et al., "A System for Insertional Mutagenesis and Chromosomal Rearrangement Using the Ds Transposon and Cre-lox", The Plant Journal (1995) 7(4), pp. 687-701.	
	CR	Russell, S. H. et al., "Directed Excision of a Transgene from the Plant Genome", Mol. Genet. Genet. 234 (1992), pp. 49-59.	
	CS	Dale, E. C. et al., "Gene Transfer with Subsequent Removal of the Selection Gene from the Host Genome", Proc. Natl. Acad. Sci., USA 88 (1991), pp. 10558-10562.	
	CT	Lyznik, L. A. et al., "FLP-Mediated Recombination of <i>FRT</i> Sites in the Maize Genome", Nucleic Acids Research (1996) 24(19), pp. 3784-3789.	
	CU	Kilby, N. J. et al., "FLP Recombinase in Transgenic Plants: Constitutive Activity in Stably Transformed Tobacco and Generation of Marked Cell Clones in <i>Arabidopsis</i> ", The Plant Journal 8:5 (1995), pp. 637-652.	
	CV	Ow, D. W. et al., "Genome Manipulation Through Site-Specific Recombination", Critical Reviews in Plant Sciences (1995) 14(3), pp. 239-261.	
	CW	Gleave, A. P. et al., "Selectable Marker-Free Transgenic Plants Without Sexual Crossing: Transient Expression of <i>cre</i> Recombinase and Use of a Conditional Lethal Dominant Gene", Plant Molecular Biology 40 (1999), pp. 223-235.	
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	CY	Risseuw, E. et al., "Gene Targeting and Instability of <i>Agrobacterium</i> T-DNA Loci in the Plant Genome", <i>The Plant Journal</i> (1997) 11(4), pp. 717-728.	
	CZ	Wang, H.X. et al., "Positive-Negative Selection for Homologous Recombination in <i>Arabidopsis</i> ", <i>Gene</i> 272 (2001), pp. 249-255.	
	CA1	Rao, D. N. et al., "ATP-Dependent Restriction Enzymes", <i>Progress in Nucleic Acid Research and Molecular Biology</i> 64 (2000), pp. 1-63.	
	CB1	Huang, B. et al., "Splase: A New Class IIS Zinc-Finger Restriction Endonuclease with Specificity for Sp1 Binding Sites", <i>Journal of Protein Chemistry</i> (1996) 15(5), pp. 481-489.	
	CC1	Côté, V. et al., "The Single Group-I Intron in the Chloroplast <i>rml</i> Gene of <i>Chlamydomonas humicola</i> Encodes a Site-Specific DNA Endonuclease (I-Chul)", <i>Gene</i> 129 (1993), pp. 69-76.	
	CD1	Chu, F. K. et al., "Characterization of the Restriction Site of a Prokaryotic Intron-Encoded Endonuclease", <i>Proc. Natl. Acad. Sci. USA</i> 87 (1990), pp. 3574-3578.	
	CE1	Marshall, P. et al., "Cleavage Pattern of the Homing Endonuclease Encoded by the Fifth Intron in the Chloroplast Large Subunit rRNA-encoding Gene of <i>Chlamydomonas eugametos</i> ", <i>Gene</i> 104 (1991), pp. 241-245.	
	CF1	Sargueil, B. et al., " <i>In vivo</i> and <i>In Vitro</i> Analyses of an Intron-encoded DNA Endonuclease from Yeast Mitochondria. Recognition Site by Site-Directed Mutagenesis", <i>Nucleic Acids Research</i> , (1990) 18(19), pp. 5659-5665.	
	CG1	Wang, J. et al., "Purification, Biochemical Characterization and Protein-DNA Interactions of the I-CreI Endonuclease Produced in <i>Escherichia coli</i> ", <i>Nucleic Acids Research</i> (1997) 25(19), pp. 3767-3776.	
	CH1	Jasin, M., "Genetic Manipulation of Genomes with Rare-Cutting Endonucleases", (1996) <i>TIG</i> 12(6), pp. 224-228.	
	CI1	Turmel, M. et al., "Analysis of the Chloroplast Large Subunit Ribosomal RNA Gene from 17 <i>Chlamydomonas</i> Taxa, Three Internal Transcribed Spaces and 12 Group I Intron Insertion Sites", <i>J. Mol. Biol.</i> 232 (1993), pp. 446-467.	
	CJ1	Belfort, M. et al., "Homing Endonucleases: Keeping the House in Order", <i>Nucleic Acids Research</i> (1997) 25(17), pp. 3379-3388.	
	CK1	Monnat, R. J. et al., "Generation of Highly Site-Specific DNA Double-Strand Breaks in Human Cells by the Homing Endonucleases I-PpoI and I-CreI", <i>Biochemical and Biophysical Research Communications</i> 255 (1999), pp. 88-93.	
	CL1	Turmel, M. et al., "Evolutionary Transfer of ORF-containing Group I Introns between Different Subcellular Compartments (Chloroplast and Mitochondrion)", <i>Mol. Biol. Evol.</i> (1995) 12(4), pp. 533-545.	
	CM1	Cosloy, S. D. et al., "Metabolism of D-Serine in <i>Escherichia coli</i> K-12: Mechanism of Growth Inhibition", <i>Journal of Bacteriology</i> (1973) 114(2), pp. 685-694.	
	CN1	Gamburg, K. Z. et al., "Formation and Functions of D-Amino Acids in Plants", <i>Siberian Institute of Plant Physiology and Biochemistry, Siberian Branch, Russian Academy of Sciences, Irkutsk, Translated from Fiziologiya Rastenii</i> 38:6 (1991), pp. 1236-1246.	
	CO1	Eddy, S. R. et al., "The phage T4 <i>nrdB</i> Intron: A Deletion Mutant of a Version Found in the Wild", <i>Genes &amp; Development</i> 5 (1991), pp. 1032-1041.	
	CP1	Bell-Pedersen, D. et al., "Intron Mobility in Phage T4 is Dependent upon a Distinctive Class of Endonucleases and Independent of DNA Sequences Encoding the Intron Core: Mechanistic and Evolutionary Implications", <i>Nucleic Acids Research</i> (1990) 18(13), pp. 3763-3770.	

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	CQ1	Turmel, M. et al., "The Site-Specific DNA Endonuclease Encoded by a Group I Intron in the <i>Chlamydomonas pallidostigmatica</i> Chloroplast Small Subunit rRNA Gene Introduces a Single-Strand Break at Low Concentrations of Mg <sup>2+</sup> ", Nucleic Acids Research (1995) 23(13), pp. 2519-2525.	
	CR1	Kawasaki, K. et al., "DNA Sequence Recognition by a Eukaryotic Sequence-Specific Endonuclease, Endo.Sccl, from <i>Saccharomyces cerevisiae</i> ", The Journal of Biological Chemistry (1991) 266(8), pp. 5342-5347.	
	CS1	Sargueil, B. et al., "A New Specific DNA Endonuclease Activity in Yeast Mitochondria", Mol. Gen. Genet. 225 (1991), pp. 340-341.	
	CT1	Frommer, W. B. et al., "Seed and Vascular Expression of a High-Affinity Transporter for Cationic Amino Acids in <i>Arabidopsis</i> ", Proc. Natl. Acad. Sci. USA 92 (1995), pp. 12036-12040.	
	CU1	Guo, H. et al., "Group II Intron Endonucleases Use Both RNA and Protein Subunits for Recognition of Specific Sequences in Double-Stranded DNA", The EMBO Journal (1997) 16(22), pp. 6835-6848.	
	CV1	Massey, V. et al., "The Purification and Some Properties of D-Amino Acid Oxidase", Biochimica et Biophysica Acta 48 (1961), pp. 1-9.	
	CW1	Dixon, M. et al., "D-Amino Acid Oxidase, I. Dissociation and Recombination of the Holoenzyme", Biochimica et Biophysica Acta 96 (1965), pp. 357-367.	
	CX1	Haren, L. et al., "Integrating DNA: Transposases and Retroviral Integrases", Annu. Rev. Microbiol. 53 (1999), pp. 245-81.	
	CY1	Kaufman, P.D. et al., "P Element Transposition in Vitro Proceeds by a Cut-and-Paste Mechanism and Uses GTP as a Cofactor", Cell 69 (1992), pp. 27-39.	
	CZ1	Guo, H. et al., "Group II Introns Designed to Insert into Therapeutically Relevant DNA Target Sites in Human Cells", Science 289 (2000), pp. 452-457.	
	CA2	Meister, A. et al., "Chapter 26, Flavoprotein Amino Acid Oxidases", in Boyer et al., The Enzymes, 2nd Ed., Vol. 7, Academic Press, NY (1963), pp. 609-648.	
	CB2	Boorer, K. J. et al., "Kinetics and Specificity of a H <sup>+</sup> /Amino Acid Transporter from <i>Arabidopsis thaliana</i> ", The Journal of Biological Chemistry (1996) 271(4), pp. 2213-2220.	
	CC2	Mohr, G. et al., "Rules for DNA Target-site Recognition by a Lactococcal Group II Intron Enable retargeting of the Intron to Specific DNA Sequences", Genes & Development 14 (2000), pp. 559-573.	
	CD2	Brückner, H. et al., "Chromatographic Determination of L- and D-amino Acids in Plants", Amino Acids 24 (2003), pp. 43-55.	
	CE2	Szybalski, W. et al., "Class-IIS Restriction Enzymes - A Review", Gene 100 (1991), pp. 13-26.	
	CF2	Miyano, M. et al., "Studies on Phe-228 and Leu-307 Recombinant Mutants of Porcine Kidney D-Amino Acid Oxidase: Expression, Purification and Characterization", J. Biochem. 109 (1991), pp. 171-177.	
	CG2	Umhau, S. et al., "The X-ray Structure of D-amino Acid Oxidase at Very High Resolution Identifies the Chemical Mechanism of Flavin-Dependent Substrate Dehydrogenation", PNAS (2000) 97(23), pp. 12463-12468.	
	CH2	Yurimoto, H. et al., "Physiological Role of the D-amino Acid Oxidase Gene, DAOI, in Carbon and Nitrogen Metabolism in the Methylophilic Yeast <i>Candida boidinii</i> ", Yeast 16 (2000), pp. 1217-1227.	
	CI2	Gabler, M. et al., "Detection and Substrate Selectivity of New Microbial D-amino Acid Oxidases", Enzyme and Microbial Technology 27 (2000), pp. 605-611.	

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	CJ2	Soutourina, J. et al., "Functional Characterization of the D-Tyr-tRNA <sup>Tyr</sup> Deacylase from <i>Escherichia coli</i> ", The Journal of Biological Chemistry (1999) 274(27), pp. 19109-19114.	
	CK2	Schlaman, H. R. M. et al., "Effectiveness of the Bacterial Gene <i>codA</i> Encoding Cytosine Deaminase as a Negative Selectable Marker in <i>Agrobacterium</i> -mediated Plant Transformation", The Plant Journal (1997) 11(6), pp. 1377-1385.	
	CL2	Salomon, S. et al., "Capture of Genomic and T-DNA Sequences During Double-Strand Break Repair in Somatic Plant Cells", The EMBO Journal (1998) 17(20), pp. 6086-6095.	
	CM2	Gallego, M. E. et al., "Positive-Negative Selection and T-DNA Stability in <i>Arabidopsis</i> Transformation", Plant Molecular Biology 39 (1999), pp. 83-93.	
	CN2	Thykjaer, T. et al., "Gene Targeting Approaches Using Positive-Negative Selection and Large Flanking Regions", Plant Molecular Biology 35 (1997), pp. 523-530.	
	CO2	McKnight, S. L. et al., "Expression of the Herpes Thymidine Kinase Gene in <i>Xenopus laevis</i> Oocytes: An Essay for the Study of Deletion Mutants Constructed In Vitro", Nucleic Acid Research (1980) 8(24), pp. 5931-5948.	
	CP2	Preston, C. M. et al., "Identification and Mapping of Two Polypeptides Encoded Within the Herpes Simplex Virus Type 1 Thymidine Kinase Gene Sequences", Journal of Virology (1981) 38(2), pp. 593-605.	
	CQ2	Wagner, M. J. et al., "Nucleotide Sequence of the thymidine Kinase Gene of Herpes Simplex Virus Type I", Proc. Natl. Acad. Sci. USA (1981) 78(3), pp. 1441-1445.	
	CR2	Janssen, D. B. et al., "Cloning of 1,2-Dichloroethane Degradation Genes of <i>Xanthobacter autotrophicus</i> GJ10 and Expression and Sequencing of the <i>dhIA</i> Gene", Journal of Bacteriology (1989) 171(12), pp. 6791-6799.	
	CS2	Naested, H. et al., "A Bacterial Haloalkane Dehalogenase Gene as a Negative Selectable Marker in <i>Arabidopsis</i> ", The Plant Journal (1999) 18(5), pp. 571-576.	
	CT2	Janssen, D. B. et al., "Genetics and Biochemistry of Dehalogenating Enzymes", Annu. Rev. Microbiol. 48 (1994), pp. 163-91.	
	CU2	Perera, R. J. et al., "Cytosine Deaminase as a Negative Selective Marker for <i>Arabidopsis</i> ", Plant Molecular Biology 23 (1993), pp. 793-799.	
	CV2	Mullen, C. A. et al., "Transfer of the Bacterial Gene for Cytosine Deaminase to Mammalian Cells Confers Lethal Sensitivity to 5-fluorocytosine: A Negative Selection System", Proc. Natl. Acad. Sci. USA 89 (1992), pp. 33-37.	
	CW2	Kobayashi, T. et al., "A Conditional Negative Selection for <i>Arabidopsis</i> Expressing a Bacterial Cytosine Deaminase Gene", Jpn. J. Genet. 70 (1995), pp. 409-422.	
	CX2	Tissier, A. F. et al., "Multiple Independent Defective <i>Suppressor-mutator</i> Transposon Insertions in <i>Arabidopsis</i> : A Tool for Functional Genomics", The Plant Cell 11 (1999), pp. 1841-1852.	
	CY2	O'Keefe, D. P. et al., "Plant Expression of a Bacterial Cytochrome P450 That Catalyzes Activation of a Sulfonylurea Pro-Herbicide", Plant Physiol. 105 (1994), pp. 473-482.	
	CZ2	Blanc, V. et al., "Control of Gene Expression by Base Deamination: The Case of RNA Editing in Wheat Mitochondria", Biochimie 78 (1996), pp. 511-517.	
	CA3	St. Clair, M. H. et al., "Inhibition by Ganciclovir of Cell Growth and DNA Synthesis of Cells Biochemically Transformed with Herpes Virus Genetic Information", Antimicrobial Agents and Chemotherapy (1987) 31(6), pp. 844-849.	

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	CB3	Alonso, J. et al., "D-Amino-Acid Oxidase Gene from <i>Rhodotorula gracilis</i> ( <i>Rhodospiridium toruloides</i> ) ATCC 26217", Microbiology 144 (1998), pp. 1095-1101.	
	CC3	Pilone, M. S., "D-Amino Acid Oxidase: New Findings", Cell Mol. Life Sci. 57 (2000), pp. 1732-1747.	
	CD3	Koprek, T. et al., "Negative Selection Systems for Transgenic Barley ( <i>Hordeum vulgare</i> L.): Comparison of Bacterial <i>codA</i> - and Cytochrome P450 Gene-Mediated Selection", The Plant Journal (1999) 19(6), pp. 719-726.	
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